

SENATE BILL 1709
By Miller J

AN ACT to amend Tennessee Code Annotated, Title 70, relative to
wildlife.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 70-4-107, is amended by deleting
such section in its entirety and substituting instead the following language:

(a) There is hereby declared a closed season upon all hunting and fishing in this state
upon all wildlife protected by the laws of the state.

(b) Whenever the supply of game or fish existing in any area, lake or stream shall
become adequate to allow the taking or hunting thereof without material danger of extinction or
undue depletion of such game or fish, then it is lawful for any person to hunt or fish in the area,
lake or stream within the creel, size, and bag limits, and in the manner and by the means
prescribed by the wildlife resources commission.

(c) (1) The fact as to whether or not the supply of game or fish is at any time adequate
to allow the taking thereof without the danger of extinction or undue depletion shall be
determined by the commission, after a complete survey of the area in question.

(2) If the commission finds that the supply of game or fish is sufficient to allow taking
without the danger of extinction or undue depletion, it shall announce such fact by proclamation,

in which it shall state the species of the game or fish which may be taken without the danger as aforementioned, and shall likewise ascertain and announce the dates and hours of the day between which such game or fish may be taken without the dangers set forth. Upon such announcement by the commission, it is lawful for any person within the area so designated by the commission to take game or fish of the species mentioned by the commission.

(3) The proclamations shall become effective forty-five (45) days after filing with the secretary of state. During emergency conditions, seasons may be closed, reopened or extended summarily. A copy of all proclamations issued by the commission shall be immediately filed with the secretary of state and the county clerks for the counties affected.

(4) The commission shall annually publish a list of such wildlife as are deemed destructive or not to be protected by law.

(d) During any such open season as promulgated by the commission, the provisions of all general game and fish laws shall remain in full force and effect with reference to the method and manner of hunting and fishing and all other restrictions and provisions as to the taking of wild animals and fish as now or hereafter appear in the general game and fish laws.

(e) The open season on private lakes may be set by the owner and operator thereof, but the creel limits on fish caught from the waters of such lakes shall not exceed that set by law for public waters.

(f) (1) The commission may establish open seasons, bag and creel limits for the taking of game and fish on state lands, including lands leased by the state for wildlife management purposes, and may make any regulations it may deem needful to promote the best interest and enforce these provisions by means of rules and directions.

(2) A violation of this subsection is a Class B misdemeanor.

SECTION 2. The executive director of the Tennessee wildlife resources agency is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such

rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. This act shall take effect July 1, 2003, the public welfare requiring it.